

TITLE 14. Fish and Game Commission

Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 220, and 240, of the Fish and Game Code and to implement, interpret or make specific sections 200, 205 and 206 of said Code, proposes to amend Section 7.00, Title 14, California Code of Regulations, relating to Inland Coho Salmon Sport Fishing Regulations.

Informative Digest/Policy Statement Overview

Current regulations prohibit the take of silver (coho) salmon in any waters of the State. The intent of this regulation is to protect federally Threatened coho salmon in native anadromous waters. The current regulation inadvertently prohibits the take of a domestic strain of coho salmon stocked in Lakes Oroville under the management of the Department's Inland Salmon Program. This program provides for enhanced trout-type fisheries in selected lakes and reservoirs. Lake Oroville, has been recently stocked with a domesticated strain of coho salmon that are resistant to a disease that has affected other salmonids stocked in the lake. Coho salmon are expected to provide quality fishing opportunities in Lake Oroville not achievable with other salmonid species. No other lakes or reservoirs within the State currently contain stocked domestic coho salmon.

The Department is proposing to amend Section 7.00 to clarify that coho salmon may not be taken from any water of the State, except Lake Oroville. This proposed regulation change would have no effect on current protections or recovery efforts of coho salmon in native habitats throughout the State.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Board of Supervisor's Chambers, Administration Building, 2800 W. Burrel, Visalia, CA, on Friday, April 4, 2003, at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Riverside Marriott, 3400 Market Street, Riverside, Ca, on May 8, 2003, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments may be submitted on or before May 1, 2003, at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than May 8, 2003, at the hearing in Riverside. E-mail comments must include the true name and mailing address of the commentor.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John M. Duffy, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Tracy L. Reed at the preceding phone number. Dr. Ed Pert, Department of Fish and Game, (916) 445-

3616 has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the above address. Notice of the proposed action shall be posted on the Fish and Game Commission website at http://www.dfg.ca.gov_fg.comm

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Current regulations prohibit the take of silver (coho) salmon in any waters of the State. The intent of this regulation is to protect federally Threatened coho salmon in native anadromous waters. The current regulation inadvertently prohibits the take of a domestic strain of coho salmon stocked in Lakes Oroville under the management of the Department's Inland Salmon Program. This program provides for enhanced trout-type fisheries in selected lakes and reservoirs. Lake Oroville, has been recently stocked with a domesticated strain of coho salmon that are resistant to a disease that has affected other salmonids stocked in the lake. Coho salmon are expected to provide quality fishing opportunities in Lake Oroville not achievable with other salmonid species. No other lakes or reservoirs within the State currently contain stocked domestic coho salmon

The Department is proposing to amend Section 7.00 to clarify that coho salmon may not be taken from any water of the State, except Lake Oroville. This proposed regulation change would have no effect on current protections or recovery efforts of coho salmon in native habitats throughout the State.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State agencies or Costs/Savings in Federal funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

Date: February 11, 2003

John M. Duffy
Assistant Executive Director